

UNITED STATES OF AMERICA  
BEFORE THE NATIONAL LABOR RELATIONS BOARD  
DIVISION OF JUDGES

LOCAL 174, INTERNATIONAL UNION,  
UNITED AUTOMOBILE, AEROSPACE  
AND AGRICULTURAL IMPLEMENT  
WORKERS OF AMERICA (UAW), AFL-CIO  
(Olympic Laser Processing, Inc.)

and

Cases 7-CB-14320

RICHARD COLE, An Individual

*Robert Buzaitis, Esq.* for the General Counsel.  
*Eric Frankie, Esq.* for the Respondent Union.

BENCH DECISION AND CERTIFICATION

Statement of the Case

C. RICHARD MISERENDINO, Administrative Law Judge. This case was tried in Detroit, Michigan on September 16-17, 2004. The initial charge was filed by Individual Charging Party Richard Cole on May 24, 2004, and on July 15, 2004, it was amended. On July 28, 2004, the complaint was issued against Local 174, International Union, United Automobile, Aerospace and Agricultural Implement Workers of America (UAW), AFL-CIO (Respondent Union) alleging that it violated Section 8(b)(1) of Act because its Chief Union Steward James Schultz (1) threatened that he would represent employees if he had a personal dispute with them or if he did not like them; (2) refused to file a grievance on behalf of the Individual Charging Party for unfair, arbitrary, and capricious reasons; and (3) failed and refused to provide the Individual Charging Party with copies of his grievances.

The Respondent's timely answer denied the material allegations of the complaint. The parties have been afforded a full opportunity to appear, present evidence, examine and cross-examine witnesses, and argue orally in support of their respective positions.

At the conclusion of the trial and following oral argument by Counsel for the General Counsel and the representative of the Respondent Union, I issued a bench decision pursuant to Section 102.35(a) of the Board's Rules and Regulations, setting forth findings of fact and conclusions of law. Specifically, I found (1) that the credible evidence viewed as a whole did not support the Individual Charging Party's assertions that Schultz told him in the presence of two witnesses that he would not represent him nor did the credible evidence show that Schultz had a personal dispute or a personal dislike for the Individual Charging Party; (2) that the credible evidence did not show that Schultz told other employees that he would not represent any employee who he disliked or with whom he had a personal dispute; (3) that the credible evidence did not show that the Individual Charging Party requested Schultz to file a grievance

on his behalf; and (4) that the Individual Charging Party did not ask Schultz for a copy of various grievance file on his behalf. Accordingly, the complaint was dismissed.

In accordance with Section 102.45 of the Rules and Regulations, I certify the accuracy of, and attach hereto as "Appendix A," the portion of the transcript containing this decision, as corrected.

Conclusions of Law

The Respondent has not violated the Act in any manner alleged in the complaint.

ORDER<sup>1</sup>

The complaint is dismissed.

Dated, Washington, DC      September 27, 2004

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C. Richard Miserendino  
Administrative Law Judge

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<sup>1</sup> If no exceptions are filed as provided by Sec. 102.46 of the Board's Rules and Regulations, the findings, conclusions, and recommended Order shall, as provided in Sec. 102.48 of the Rules, be adopted by the Board and all objections to them shall be deemed waived for all purposes.